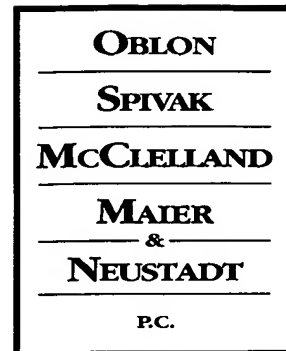




IPW



Docket No.: 241786US2SRD

COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313

ATTORNEYS AT LAW

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RE: Application Serial No.: 10/643,974

Applicants: Wu MEI, et al.

Filing Date: August 20, 2003

For: FUEL CELL CATALYST MATERIAL, FUEL CELL
ELECTRODE, MEMBRANE-ELECTRODE
ASSEMBLY, FUEL CELL, FUEL CELL CATALYST
MATERIAL MANUFACTURING METHOD, AND
FUEL CELL ELECTRODE MANUFACTURING
METHOD

Group Art Unit: 1745

Examiner: LEE, C. K.

SIR:

Attached hereto for filing are the following papers:

PROVISIONAL ELECTION

Our check in the amount of \$0.00 is attached covering any required fees. In the event any variance exists between the amount enclosed and the Patent Office charges for filing the above-noted documents, including any fees required under 37 C.F.R. 1.136 for any necessary Extension of Time to make the filing of the attached documents timely, please charge or credit the difference to our Deposit Account No. 15-0030. Further, if these papers are not considered timely filed, then a petition is hereby made under 37 C.F.R. 1.136 for the necessary extension of time. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.

Eckhard H. Kuesters

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DOCKET NO: 241786US2SRD



IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF :
WU MEI, ET AL. : EXAMINER: LEE, CYNTHIA K.
SERIAL NO: 10/643,974 :
FILED: AUGUST 20, 2003 : GROUP ART UNIT: 1745
FOR: FUEL CELL CATALYST :
MATERIAL, FUEL CELL ELECTRODE,
MEMBRANE-ELECTRODE ASSEMBLY,
FUEL CELL, FUEL CELL CATALYST
MATERIAL MANUFACTURING
METHOD, AND FUEL CELL
ELECTRODE MANUFACTURING
METHOD

PROVISIONAL ELECTION

COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313

SIR:

In response to the election requirement dated May 11, 2006, Applicant provisionally elect with traverse Group I (Claims 1-7 and 10-17) and Species I (Claims 1-7). Applicants reserve the right to file one or more divisional applications directed to the non-elected species.

Furthermore, while the Election Requirement asserts that the application contains claims to patentably distinct species, MPEP § 803 states the following:

If the search and examination of an entire application can be made without serious burden, the Examiner must examine it on the merits, even though it includes claims to distinct or independent inventions.

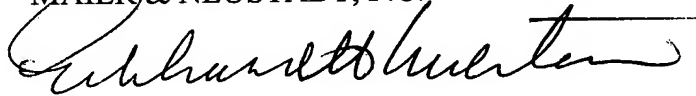
Application No. 10/643,974
Reply to Office Action of May 11, 2006

Although the outstanding Official Action does not identify search classifications, it is believed that the claims of the present application would have to be searched in a handful of sub-classes. Furthermore, since electronic searching is commonly performed, a search may be made of a large number of, or theoretically all, subclasses without substantial additional effort. Accordingly, Applicants respectfully traverse the Election Requirement on the grounds that a search and examination of the entire application would not place a *serious* burden on the Examiner, whereas it would be a serious burden on Applicants to prosecute and maintain separate applications.

Therefore, it is respectfully requested that the requirement to elect a single species be withdrawn, and that a full examination on the merits of Claims 1-19 be conducted.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.



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